

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Writ Petition No. 1230 of 2006 (S/S)

Govind Singh Katyura and 17 others

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Petitioners

Versus

1. State of Uttaranchal
through Chief Secretary,
Uttaranchal Shashan, Dehradun.
2. Commissioner Kumaon Division, Nainital.
3. District Magistrate, Nainital
4. Sub Division Magistrate,
Tehsil Nainital, District Nainital.
5. Sub Division Magistrate,
Tehsil Dhari, District Nainital.

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Respondents

Mr. M.C. Kandpal, Senior Advocate assisted by Mr. Kurban Ali, learned counsel for the petitioners.

Mr. N.P. Sah, learned Standing Counsel for the State.

Hon'ble Prafulla C. Pant, J.

Learned counsel for the parties are present.

2) By means of this petition, the petitioners, who are Seasonal Collection Amins, with the Revenue Department of the State, have sought their regularisation in service.

3) In para 5 and 6 of the writ petition, it has been stated that under the U.P. Collection Amins Service Rules, 1974, (applicable to the State of Uttaranchal) the Government has power to create additional and temporary vacancies and petitioners are entitled to be regularized under said Rules. Annexure -6, which is copy of Government Order dated 9th June 2006, shows that the Government has created certain

post of Collection Amins and Collection Peons, in various hill districts of Uttaranchal.

4) In view of the principle of law laid down in ***Secretary, State of Karnataka Vs. Uma Devi, reported in (2006) 4 Supreme Court Cases, Pg. 01***, that employees engaged on contract basis, on daily wages or the persons employed without undergoing regular selection process under the rules, should not be permitted to be absorbed or regularized in the service, against the Constitutional scheme of public employment, this Court is not inclined to issue direction to regularize services of the petitioners,

5) The writ petition is dismissed with the observation that the petitioners may make representation to the authority concerned, if their cases are covered under aforesaid Rules, or the Government Order. Interim order, if any, stands vacated. (All pending applications in this Petition also stand disposed of),

(Prafulla C.Pant, J.)

Dt.: December 01, 2006

H.Negi